

FISCAL NOTE

HB 378 - SB 460

March 6, 2007

SUMMARY OF BILL: Restricts availability of exemptions from jury service. Establishes the Lengthy Trial Fund to compensate jurors who serve for more than five days and are not compensated by an employer or are self-employed.

ESTIMATED FISCAL IMPACT:

Increase State Revenues - \$344,000 / Lengthy Trial Fund

Increase State Expenditures - \$344,000 / Lengthy Trial Fund

Increase Local Govt. Revenues – Not Significant

Assumptions:

- A fee of five dollars will be collected from the filing attorney per civil case filed in trial courts, subject to exemption of certain cases, to be deposited into the Lengthy Trial Fund. Trial courts are limited to courts of record and do not include general sessions or other inferior courts. Of the total 135,657 cases filed in chancery, circuit, or probate court in 2005-06, 68,800 would be non-exempt cases in which the \$5 fee was paid, generating \$344,000 for the Lengthy Trial Fund (68,800 x \$5 = \$344,000).
- No more than five percent of the monies in the fund shall be used to administer the fund. Administrative costs paid from the fund will be \$17,200 (\$344,000 x .05 = \$17,200). Claims against the fund will not be sufficient for the Administrative Office of the Courts to require any new positions.
- Expenditures for lost juror income are limited to funds available from the Lengthy Trial Fund. No appropriations from the general fund will be made to the Lengthy Trial Fund.
- There will not be a sufficient number of additional fines for local governments to experience any significant increase in revenues.
- State constitutional right to jury trial for fines in excess of \$50 does not apply in civil contempt cases. *Cf. Ahern (Pierotti) v. Ahern*, 15 S.W.3d 73 (Tenn. 2000) (criminal contempt is punishable as an inherent necessary power of the court and there is no right to a jury trial for a contempt charge).

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large, stylized "J" and "W".

James W. White, Executive Director